



# House of Representatives

General Assembly

**File No. 41**

February Session, 2018

House Bill No. 5233

*House of Representatives, March 26, 2018*

The Committee on Veterans' Affairs reported through REP. HENNESSY of the 127th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING RECORDKEEPING DUTIES OF THE ADJUTANT GENERAL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 27-20 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2018*):

4 (a) The Adjutant General shall make such returns and reports to  
5 such officers as may be prescribed by the Department of Defense in  
6 regulations pertaining to the National Guard, at such times and in such  
7 form as prescribed. The Adjutant General shall (1) keep [a record] the  
8 service records of all officers and enlisted personnel, (2) issue  
9 authorized service medals, ribbons and documents, [and] (3) (A)  
10 generate and maintain all records and documents required by state  
11 law or regulations thereunder, and (B) process requests for such  
12 records pursuant to the state Freedom of Information Act, as defined  
13 in section 1-200, and (4) (A) generate and maintain all records and  
14 documents required by federal law or regulations thereunder, and (B)

- 15 process requests for such records pursuant to the federal Freedom of  
16 Information Act of 1976, 5 USC 552, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	27-20(a)

**VA**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill clarifies the recordkeeping duties of the Adjutant General and results in no fiscal impact to the state.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5233*****AN ACT CONCERNING RECORDKEEPING DUTIES OF THE  
ADJUTANT GENERAL.*****SUMMARY**

This bill specifies that requests for Military Department records and documents generated and maintained by the adjutant general under either state or federal law must be processed under their respective state or federal Freedom of Information Acts (FOIA).

The bill also specifies that the records the adjutant general keeps are service records.

It also requires the adjutant general to generate Military Department records and documents instead of just maintaining them.

EFFECTIVE DATE: July 1, 2018

**BACKGROUND*****Eberg v. Human Resources Manager, State of Connecticut,  
Military Department, et al.***

In *Eberg v. Human Resources Manager, State of Connecticut, Military Department, et al.*, the Freedom of Information Commission concluded that records maintained by the National Guard exclusively as federal records were outside the state FOIA's jurisdiction (Docket #FIC 2014-879).

***The Connecticut National Guard Dual-Status Standing***

The Connecticut National Guard has a dual-status standing due to its service as part of the state militia and as a reserve component of the United States Armed Forces. As such, the Connecticut National Guard accesses and maintains both state and federal records and documents.

**COMMITTEE ACTION**

Veterans' Affairs Committee

Joint Favorable

Yea    14    Nay   0    (03/14/2018)